



# ESKANOS & ADLER

Attorneys at Law

Main Office  
2325 Clayton Road  
Concord, CA  
94520  
Phone 800-364-9919  
Fax 925-969-1812

California  
Janet Brown  
Stelios A. Harris  
Martin Hoffmann, LL.M.  
Kurtiss Jacobs, LL.M.  
Ann K. Merrill  
Calvin S. Rose  
Donald Stebbins  
Arthur Tessimond  
Jerome M. Yalon, Jr.

Oregon  
Michael Connolly  
Aaron McLellan  
Donna J. Smith  
Washington  
Michael Connolly  
Donna J. Smith  
Nevada  
Sarah De La Rosa  
Darcy K. Houghton  
Of Counsel

Arizona  
Sarah De La Rosa  
Colorado  
Rachel A. Michael  
Massachusetts  
Arthur Tessimond  
New Hampshire  
Arthur Tessimond  
Georgia  
James Branton

CAP517 098573-2 OR3 R17  
LARRY F LEE  
460 4TH ST  
BLAINE WA 982305117

PRIN Donna J. Smith 8,765.39  
INT 449.53  
FEES .00  
COSTS .00  
OTHER .00  
JUDG INT .00  
TOTAL 9,214.92  
05/21/08

RE: 5291151796513016

/CAPITAL ONE

THIS LETTER WILL ACKNOWLEDGE THAT OUR OFFICE HAS AGREED TO ACCEPT PAYMENT ARRANGEMENTS ON THE OUTSTANDING BALANCE DUE ON THE ACCOUNT REFERENCED ABOVE. THE FIRST PAYMENT OF \$2,000.00 IS DUE ON OR BEFORE 05/20/08. SUBSEQUENT PAYMENTS IN THE SUM OF \$350.00 WILL BE DUE ON THE 30th OF EACH AND EVERY MONTH THEREAFTER UNTIL THE BALANCE IS PAID IN FULL.

PLEASE SEND YOUR PAYMENT WITHIN SUFFICIENT TIME SO THAT IT IS ASSURED IT WILL BE RECEIVED IN OUR OFFICE BY THE DUE DATE. THANK YOU FOR YOUR CO-OPERATION IN PAYING THIS ACCOUNT AS AGREED. THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. ALL INFORMATION OBTAINED WILL BE USED FOR THE PURPOSE OF COLLECTING A DEBT.

VERY TRULY YOURS,

ESKANOS & ADLER  
A PROFESSIONAL CORPORATION

ATTORNEY FOR THE FIRM

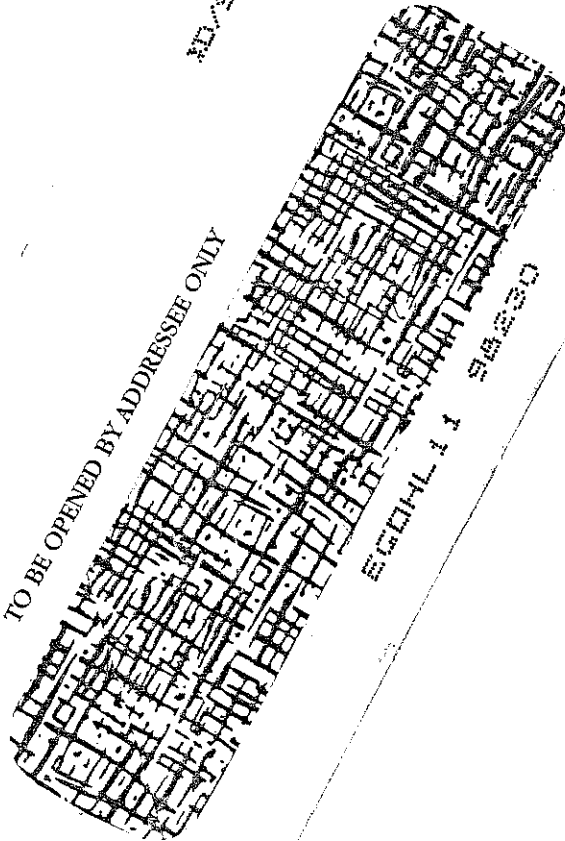
PLEASE MAIL ALL PAYMENTS TO 2325 CLAYTON ROAD, CONCORD, CA 94520.

Exhibit "A"



ESKANOS & ADLER  
Attorneys at Law  
2325 Clayton Road • Concord, CA 94520-2104

TO BE OPENED BY ADDRESSEE ONLY



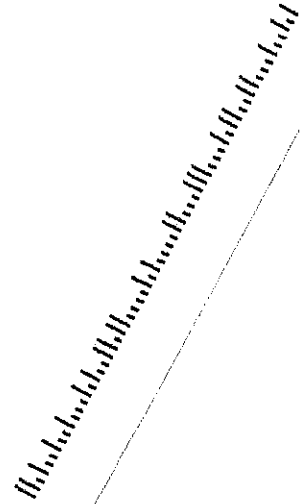
ESCANOS & ADLER  
2325 CLAYTON ROAD  
CONCORD, CA 94520

ADVANCE7 MAILED AT 941X

PRESORTED  
FIRST CLASS



02 1A  
000432230  
MAILED FROM ZIP CODE 94517  
\$00.39





# ESKANOS & ADLER

Attorneys at Law

Main Office  
2325 Clayton Road  
Concord, CA  
94520  
Phone 800-364-9919  
Fax 925-969-1812

California  
Janet Brown  
Stelios A. Harria  
Martin Hoffmann, LL.M.  
Kurtis Jacobs, LL.M.  
Ann K. Merrill  
Calvin S. Rose  
Donald Stebbins  
Arthur Tessimond  
Jerome M. Yalon, Jr.

Oregon  
Michael Connolly  
Aaron McLellan  
Donna J. Smith  
Washington  
Michael Connolly  
Donna J. Smith  
Nevada  
Sarah De La Rosa  
Darcy K. Houghton  
Of Counsel  
Idaho  
Donna J. Smith

Arizona  
Sarah De La Rosa  
Colorado  
Rachel A. Michael  
Massachusetts  
Arthur Tessimond  
New Hampshire  
Arthur Tessimond  
Georgia  
James Branton

CAP517 098573-2 OR3  
LARRY F LEE  
460 4TH ST  
BLAINE WA 982305117

44

PRIN	6,765.39
INT	496.23
FEES	.00
COSTS	.00
OTHER	.00
JUDG INT	.00
TOTAL	7,261.62
06/11/08	

RE: 5291151796513016

/CAPITAL ONE

THIS LETTER IS SIMPLY TO REMIND YOU THAT YOUR PAYMENT ON THE ABOVE REFERENCED ACCOUNT IS DUE ON 06/25/08 IN THE SUM OF \$ 350.00 . IF WE HAVE AGREED TO MONTHLY PAYMENTS AS INDICATED ABOVE, THIS IS YOUR WRITTEN CONFIRMATION OF SUCH AGREEMENT.

PLEASE SEND YOUR PAYMENT WITHIN SUFFICIENT TIME SO THAT IT IS ASSURED IT WILL BE RECEIVED IN OUR OFFICE BY THE DUE DATE. THANK YOU FOR YOUR CO-OPERATION IN PAYING THIS ACCOUNT AS AGREED. THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. ALL INFORMATION OBTAINED WILL BE USED FOR THE PURPOSE OF COLLECTING A DEBT.

VERY TRULY YOURS,

ESKANOS & ADLER  
A PROFESSIONAL CORPORATION

  
ATTORNEY FOR THE FIRM

Exhibit "B"

REGIONAL OFFICES  
TEMPE, AZ  
AGOURA HILLS, CA  
CONCORD, CA  
DENVER, CO  
WILMINGTON, DE  
BOCA RATON, FL  
ATLANTA, GA  
ROCKVILLE, MD  
NOVI, MI  
MINNETONKA, MN  
CHARLOTTE, NC  
CARSON CITY, NV  
ROCHESTER, NY

MANN BRACKEN LLC  
Attorneys in the Practice of Debt Collection  
(A National Collection Attorney Network Firm)  
2325 CLAYTON ROAD  
CONCORD, CA 94520

REGIONAL OFFICES  
INDEPENDENCE, OH  
PORTLAND, OR  
CAMP HILL, PA  
PITTSBURGH, PA  
CLINTON, TN  
NASHVILLE, TN  
HOUSTON, TX  
IRVING, TX  
SAN ANTONIO, TX  
FAIRFAX, VA  
RICHMOND, VA  
VIENNA, VA  
VIRGINIA BEACH, VA

Case 2:09-cv-00985-RSM Document 1-2 Filed 07/14/2009 Page 4 of 26

THE SUCCESSOR BY MERGER TO WOLPOFF & ABRAMSON, LLP AND ESKANOS & ADLER, P.C.

(TOLL FREE)  
800-364-9919

FACSIMILE  
925-969-1812

PLEASE DIRECT CORRESPONDENCE TO CONCORD OFFICE

CAP517 098573-2 OR3 R06  
LARRY F LEE  
460 4TH ST  
BLAINE WA 982305117

07/16/08  
PRIN 6,415.39  
INT 571.76  
COSTS .00  
FEES .00  
OTHER .00  
JUDG INT .00  
TOTAL 6,987.15

RE: 5291151796513016

/CAPITAL ONE

PLEASE CONTACT THIS OFFICE REGARDING THE ABOVE ACCOUNT  
TO DISCUSS A RESOLUTION OF THE ACCOUNT ON A VOLUNTARY BASIS.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. ALL INFORMATION OBTAINED  
WILL BE USED FOR THE PURPOSE OF COLLECTING A DEBT.

VERY TRULY YOURS,

MANN BRACKEN LLC



ATTORNEY FOR THE FIRM

PLEASE CONTACT US AT ONCE BY CALLING OUR TOLL FREE NUMBER  
1-800-364-9919 ext.3120.

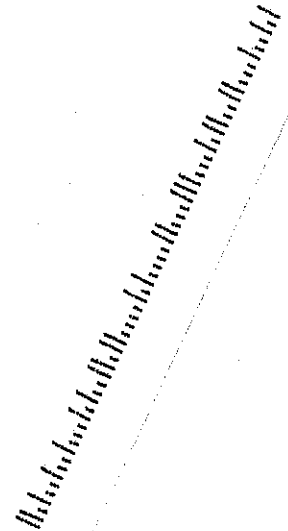
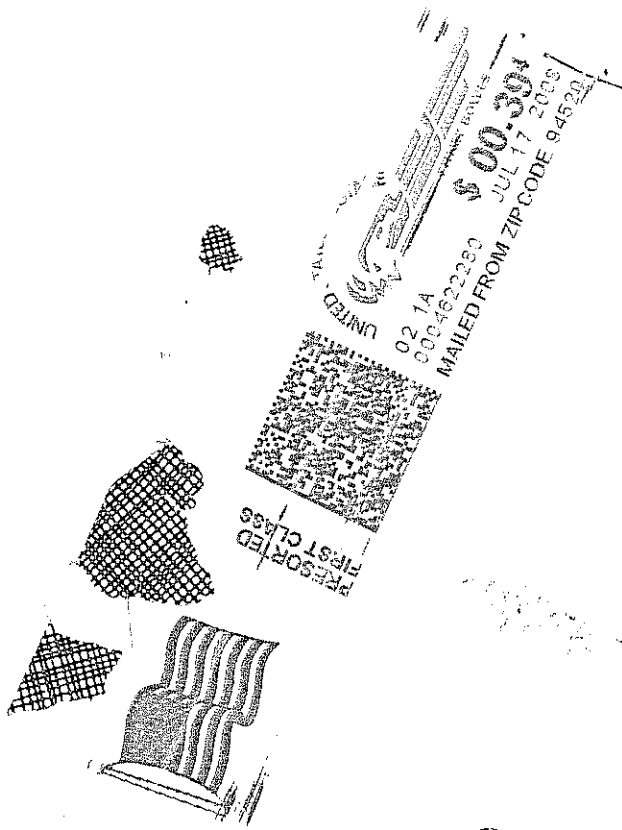
Exhibit "C"

file #:098573-2

**MANN > BRACKEN**  
MANN BRACKEN LLC  
2325 CLAYTON ROAD • CONCORD, CA 94520-2104

TO BE OPENED BY ADDRESSEE ONLY

EGCHL11 94520



IN THE  
SUPERIOR COURT, IN AND FOR THE COUNTY OF WHATCOM, STATE OF WASHINGTON

CAPITAL ONE BANK (USA), N.A.,

Plaintiff/Petitioner

vs.  
LARRY F. LEE

Defendant/Respondent

Hearing Date:

CAUSE NO:

DECLARATION OF SERVICE OF:  
SUMMONS AND COMPLAINT FOR MONEY DUE & OWING

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 21st day of July, 2008, at 7:45 PM, at the address of 460 4TH Street, BLAINE, Whatcom County, WA 98230-5117; this declarant served the above described documents upon LARRY F LEE, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with LARRY F LEE, NAMED DEFENDANT, A male approx. 40-45 years of age 5'8"-5'10" in height weighing 180-200 lbs with black/brown hair and glasses, a person of suitable age and discretion residing at the respondent's usual place of abode listed above.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED this 22nd day of July, 2008.



William LeCompte, Reg. # 1-3792, Whatcom, WA



FOR: Mann Bracken, LLC (WA)  
REF: 098573-2/OR3

ORIGINAL PROOF OF  
SERVICE

Tracking #: 5342103 SEA



Exhibit "D"

SUPERIOR COURT OF WASHINGTON  
FOR WHATCOM COUNTY

CAPITAL ONE BANK (USA),  
N.A.

Case No.

SUMMONS (20 days)

Plaintiff,

VS.

LARRY F. LEE

Defendant (s) .)

TO THE DEFENDANT(S): LARRY F. LEE

A lawsuit has been started against you in the above entitled Court by CAPITAL ONE BANK (USA), N.A.

plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving

Page 1

file #: 098573-2

# SUMMONS

Donna Smith or Michael Connolly  
Eskanos & Adler, P.C.  
11124 NE Halsey, PMB 680  
Portland, OR 97220  
(800) 364-9919

Exhibit "E"

COPIES

1  
2 a copy upon the person signing this Summons within 20 days  
3 after the service of this Summons, excluding the day of service,  
4 or a default judgment may be entered against you without notice.  
5 A default judgment is where plaintiff is entitled to what it asks  
6 for because you have not responded. If you serve a notice of  
7 appearance on the undersigned attorney, you are entitled to  
8 notice before a default judgment may be entered.  
9

10 You may demand that the Plaintiff file this lawsuit with the  
11 Court. If you do so, the demand must be in writing and must be  
12 served upon the Plaintiff. Within 14 days after you serve the  
13 demand, the Plaintiff must file this lawsuit with the Court or  
14 service on you of this Summons and Complaint will be void.

15 If you wish to seek the advice of an attorney in this matter,  
16 you should do so promptly so that your written response, if any,  
17 may be served on time.

18 This Summons is issued pursuant to Rule 4 of the Superior  
19 Court Civil Rules of the State of Washington.  
20

21 Date: JUN 06 2009

22 ESKANOS & ADLER, P.C.

23  
24 /s/ Michael Connolly

25 Donna Smith, WSBA #37336  
26 Michael Connolly, WSBA #39085  
27 Attorney for Plaintiff  
28 11124 NE Halsey #680  
Portland, OR 97220  
(800) 364-9919

Page 2

file #:098573-2

SUMMONS

Donna Smith or Michael Connolly  
Eskanos & Adler, P.C.  
11124 NE Halsey, PMB 680  
Portland, OR 97220  
(800) 364-9919



SUPERIOR COURT OF WASHINGTON

FOR WHATCOM COUNTY

CAPITAL ONE BANK (USA), ) Case No.  
N.A. )  
 ) COMPLAINT FOR MONIES DUE  
 ) AND OWING  
Plaintiff, )  
vs. )  
LARRY F. LEE )  
 )  
 )  
 )  
Defendant(s). )

Plaintiff alleges as follows:

FIRST CAUSE OF ACTION

1. Plaintiff CAPITAL ONE BANK (USA), N.A.

is a business organization authorized to conduct business in the  
State of Washington.

2. Defendant(s), LARRY F. LEE

is/are resident(s) of WHATCOM  
Washington.

County,

Page 1

file #:098573-2

COMPLAINT FOR MONIES DUE AND OWING

Donna Smith or Michael Connolly  
Eskanos & Adler, P.C.  
11124 NE Halsey, PMB 680  
Portland, OR 97220  
(800) 364-9919

3. At all times relevant to this action, Plaintiff had in effect its credit account on which Defendant(s) was/were and continues to be the primary obligor on that account.

4. Defendant(s) are indebted to Plaintiff on the aforesaid account in the principal amount of \$ 6,765.39 , together with interest at the rate of 012.00% per annum from 12/17/07. Despite repeated requests for payment, Defendant(s) have refused or otherwise failed to pay the account balance due and owing, or any part thereof, and Defendant(s) is/are now in default under the terms and conditions of the agreement.

5. Plaintiff is entitled to judgment against Defendant(s) in the principal amount of \$ 6,765.39 , together with costs, interest at the rate of 012.00 % per annum from 12/17/07, and reasonable attorney's fees.

#### SECOND CAUSE OF ACTION

6. Plaintiff realleges paragraphs 1-5 of Plaintiff's First Cause of Action.

7. Plaintiff established a credit account for Defendants' use.

8. Defendant(s) has/have made purchases and/or taken cash advances through the use of the aforementioned account but have failed to pay for those purchases and/or cash advances.

9. There is presently due and owing from Defendant(s) to Plaintiff the principal sum of \$ 6,765.39 , together with costs, interest at the rate of 012.00% per annum from 12/17/07, and attorney's fees.

10. Plaintiff is entitled to judgment against Defendant(s) in the principal amount of 6,765.39 , together with costs, interest at the rate of 012.00% per annum from 12/17/07, and reasonable attorney's fees.

WHEREFORE, Plaintiff prays for a judgment against the above-named Defendant(s) as follows:

1. For the principal sum of \$ 6,765.39 , plus interest at the rate of 012.00% per annum from 12/17/07.

2. Its costs and disbursements incurred in this action and reasonable attorney's fees.

3. Such other further and equitable relief as the Court finds just and proper.

JUN 06 2009  
DATED: \_\_\_\_\_

ESKANOS & ADLER, P.C.

/s/ Michael Connolly

Donna Smith, WSBA #37336  
Michael Connolly, WSBA #39085  
Attorney for Plaintiff  
11124 NE Halsey #680  
Portland, OR 97220  
(800) 364-9919

REGIONAL OFFICES  
TEMPE, AZ  
AGOURA HILLS, CA  
CONCORD, CA  
DENVER, CO  
WILMINGTON, DE  
BOCA RATON, FL  
ATLANTA, GA  
ROCKVILLE, MD  
NOVI, MI  
MINNETONKA, MN  
CHARLOTTE, NC  
CARSON CITY, NV  
ROCHESTER, NY

**MANN BRACKEN LLC**  
Attorneys in the Practice of Debt Collection  
(A National Collection Attorney Network Firm)  
2325 CLAYTON ROAD  
CONCORD, CA 94520

REGIONAL OFFICES  
INDEPENDENCE, OH  
PORTLAND, OR  
CAMP HILL, PA  
PITTSBURGH, PA  
CLINTON, TN  
NASHVILLE, TN  
HOUSTON, TX  
IRVING, TX  
SAN ANTONIO, TX  
FAIRFAX, VA  
RICHMOND, VA  
VIENNA, VA  
VIRGINIA BEACH, VA

AUG 25 2000  
THE SUCCESSOR BY MERGER TO WOLPOFF & ABRAMSON, LLP AND ESKANOS & ADLER, P.C.

(TOLL FREE)  
800-364-9919  
FACSIMILE  
925-969-1812

.....  
PLEASE DIRECT CORRESPONDENCE TO CONCORD OFFICE

CAP517 098573-2 WA3 R06  
LARRY F LEE  
460 4TH ST  
BLAINE WA 982305117

07/31/08  
PRIN 6,065.39  
INT 602.35  
COSTS .00  
FEES .00  
OTHER .00  
JUDG INT .00  
TOTAL 6,667.74

RE: 5291151796513016 /CAPITAL ONE

PLEASE CONTACT THIS OFFICE REGARDING THE ABOVE ACCOUNT  
TO DISCUSS A RESOLUTION OF THE ACCOUNT ON A VOLUNTARY BASIS.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. ALL INFORMATION OBTAINED  
WILL BE USED FOR THE PURPOSE OF COLLECTING A DEBT.

VERY TRULY YOURS,

MANN BRACKEN LLC

ATTORNEY FOR THE FIRM

PLEASE CONTACT US AT ONCE BY CALLING OUR TOLL FREE NUMBER  
800-364-9919 ext 3120.

Exhibit "F"

file #:098573-2

Larry F. Lee  
460 - 4<sup>th</sup> Street  
Blaine, WA 98230

AUG 25 2008

8/4/08

Eskanos & Adler, P.C.  
Donna Smith or Michael Connolly  
11124 NE Halsey, PMB 680  
Portland, OR 97220

098573-2

Dear Ms. Smith or Mr. Connolly,

Please let me know if you take any further action with the papers that I have received. If you do, please contact me at the address above.

Sincerely,

*Larry F. Lee*  
Larry F. Lee

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature x <i>H. Sanchez</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Andrew Sanchez</i></p> <p>C. Date of Delivery <i>8/4/08</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to: <i>ESKANOS &amp; ADLER, P.C.</i> <i>DONNA SMITH OR MICHAEL CONNOLLY</i> <i>11124 NE HALSEY, PMB 680</i> <i>PORTLAND, OR 97220</i></p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.         </p>	
<p>2. Article Number (Transfer from service label) <i>7007 2680 0002 9866 3662</i></p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

Exhibit "G"

TEMPE, AZ  
 AGOURA HILLS, CA  
 CONCORD, CA  
 DENVER, CO  
 WILMINGTON, DE  
 BOCA RATON, FL  
 ATLANTA, GA  
 ROCKVILLE, MD  
 NOVI, MI  
 MINNETONKA, MN  
 CHARLOTTE, NC  
 CARSON CITY, NV  
 ROCHESTER, NY  
 INDEPENDENCE, OH

DIAMOND & KEN LLP  
 Attorneys at Law Practice in Debt Collection  
 (A National Collection Attorney Network Firm)  
 11124 NE HALSEY, PMB 680  
 PORTLAND, OR 97220

REGIONAL OFFICES  
 PORTLAND, OR  
 CAMP HILL, PA  
 PITTSBURGH, PA  
 CLINTON, TN  
 NASHVILLE, TN  
 HOUSTON, TX  
 IRVING, TX  
 SAN ANTONIO, TX  
 FAIRFAX, VA  
 RICHMOND, VA  
 VIENNA, VA  
 VIRGINIA BEACH, VA

THE SUCCESSOR BY MERGER TO WOLPOFF & ABRAMSON, LLP AND ESKANOS & ADLER, P.C.

(TOLL FREE)  
 800-364-9919

FACSIMILE  
 503-262-6830

PLEASE DIRECT CORRESPONDENCE TO PORTLAND OFFICE

March 20, 2009

Larry F. Lee  
 466 4<sup>th</sup> St  
 Blaine WA 98225

Re: Capital One v. Lee  
 Case No. 08-2-03126-4

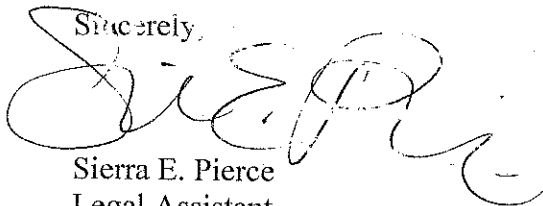
Dear Mr. Lee:

I am writing this letter to inform you that the above referenced case was filed on December 10, 2008. The case number is listed above.

If you wish to discuss settling this matter, please contact our office in fifteen (15) days from the date of this letter.

I look forward to hearing from you.

Sincerely,



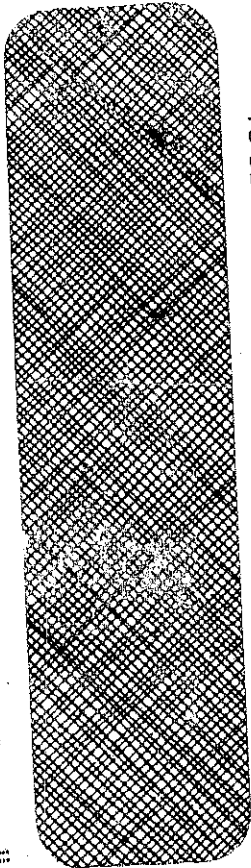
Sierra E. Pierce  
 Legal Assistant  
 (800)364-9919 x3161

I AM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION WILL BE USED FOR THAT PURPOSE.

Exhibit "H"

ADDRESS SERVICE REQUESTED

TO BE OPENED BY ADDRESSEE ONLY



UNCLASSIFIED  
DATE 08-01-2011 BY 60322 ZSC/STW



UNITED STATES POSTAGE  
  
**\$ 000.420**  
 PITNEY BOWES  
 02 1P  
 0003090638 MAR 20 2009  
 MAILED FROM ZIP CODE 97218

FILED  
COUNTY CLERK

SCANNED 2

2009 MAR 26 PM 12:22

WHATCOM COUNTY  
WASHINGTON

BY CB

SUPERIOR COURT OF WASHINGTON  
FOR WHATCOM COUNTY

CAPITAL ONE BANK (USA), N.A.

Plaintiff/Petitioner,

vs.

LARRY F. LEE,

Defendant/Respondent.

Cause No. 08-2-03126-4

NOTE FOR MOTION DOCKET

(Clerk's Action Required)

NATURE OF PROCEEDINGS: Note for Motion for Default and Default Judgment

TO: LARRY F. LEE  
460 4<sup>TH</sup> ST  
BLAINE, WA 98230

AND TO: THE CLERK OF THE ABOVE ENTITLED COURT

PLEASE TAKE NOTICE that the above matter will be brought on for hearing to be set on the 8<sup>th</sup> day of MAY, 2009, at 1:30PM in Whatcom County Superior Court, and the Clerk is requested to note this cause on the motion docket for that date.

DATED: MAR 23 2009

Signature

Donna Smith WSBA 37326  
Michael Connolly WSBA 39085

NOTE FOR MOTION DOCKET - 1

ORIGINAL

Mann Bracken, LLP  
Donna J. Smith/ Michael Connolly  
11124 NE Halsey #680  
Portland, Oregon 97220  
800-364-9919 x3063; FAX 503-262-6830

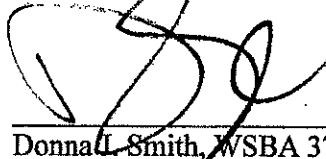


Certificate of Service and Declaration of Mailing

I HEREBY CERTIFY under penalty of perjury of the laws of the State of Washington  
that on 3/24/09 I placed in the US Mail in Portland, Oregon, postage  
prepaid, a true and correct of the above NOTE FOR MOTION DOCKET addressed to:

Larry F. Lee  
460 4<sup>th</sup> St  
Blaine, WA 98230

Mann Bracken/LLP



Donna J. Smith, WSBA 37336  
Michael Connolly, WSBA 39085

NOTE FOR MOTION DOCKET - 2

Mann Bracken, LLP  
Donna J. Smith/ Michael Connolly  
11124 NE Halsey #680  
Portland, Oregon 97220  
800-364-9919 x3063; FAX 503-262-6830

FILED SCANNED  
COUNTY CLERK

2009 MAR 26 PM 12:22

WHATCOM COUNTY  
WASHINGTON

BY                     

SUPERIOR COURT OF WASHINGTON  
FOR WHATCOM COUNTY

CAPITAL ONE BANK (USA),  
N.A.

Case No. 08-2-03126-4

MOTION AND DECLARATION FOR  
ORDER OF DEFAULT AND DEFAULT  
JUDGMENT

Plaintiff,

vs.

LARRY F. LEE

Defendant(s).

I. MOTION

Plaintiff, by and through its attorney of record, moves the  
Court for an Order of Default and an entry of Default Judgment  
against the Defendant(s) LARRY F. LEE

, in the principal sum of  
\$ 6,765.39 plus interest at the rate of 012.00 % per annum  
from 12/17/07 to entry of judgment, together with attorney's  
fees, court costs, as requested in the Judgment.

Page 1

file #:098573-2 WD1

MOTION AND DECLARATION FOR ORDER OF DEFAULT AND DEFAULT JUDGMENT

ORIGINAL

Donna Smith or Michael Connolly  
MANN BRACKEN LLP  
11124 NE Halsey, PMB 680  
Portland, OR 97220  
(800) 364-9919 ext 3165

1 This motion is based on the record and files herein and  
2 affidavits or declarations in support of entry of judgment  
3 submitted herewith and the subjoined declaration of counsel.  
4

5 II. DECLARATION

6 The undersigned declares under penalty of perjury under the  
7 laws of the State of Washington that the following is true and  
8 correct:

9 1. I am the attorney of record for Plaintiff herein. I  
10 base this declaration on my review of the file maintained by  
11 this law firm with regard to this matter.

12 2. The Defendant(s) was/were served with the Summons and  
13 Complaint on 07/21/08 by personal service within Washington  
14 State. The Affidavit/Declaration of Service is on file with  
15 the Court and a copy is attached hereto as "Exhibit A".  
16

17 3. More than twenty (20) days have elapsed since the  
18 Defendant(s) was/were served and the Defendant(s) has/have  
19 failed to answer or otherwise defend against Plaintiff's  
20 Complaint.

21 4. The basis for venue is that the Defendant(s) reside(s)  
22 within the county.

23 5. Defendant(s) is/are not an infant or incompetent nor a  
24 person in the Military Service of the United States, as defined  
25 in the Soldier's and Sailor's Civil Relief Act of 1940 as  
26 amended by the Service Members Civil Relief Act of 2003.

27 Attached as an addendum is the information that the above  
28 statement is base upon. Declarant is unable to determine

Page 2

file #:098573-2 WD2

-----  
MOTION AND DECLARATION FOR ORDER OF DEFAULT AND DEFAULT JUDGMENT  
Donna Smith or Michael Connolly  
MANN BRACKEN LLP  
11124 NE Halsey, PMB 680  
Portland, OR 97220  
(800) 364-9919 ext 3165

1  
2 statement is based upon. Delcarant is unable to determine  
3 at this time if Defendant(s) is/are a dependent of a service  
4 member in the military service.  
5

6 6. Plaintiff has retained Mann Bracken LLP on the  
7 basis of a contingent fee of all sums collected. The rate that  
8 our office has with Plaintiff is a competitive rate, negotiated  
9 with Plaintiff after considering competitive bids from other  
10 firms contingent fee is proprietary information which we would  
11 prefer not to disclose in public records. We believe that our  
12 contingent fee percentage is a "reasonable attorney's fee"  
13 because it is based upon competitive prices between our firm  
14 and Plaintiff.  
15

16 7. If, in the alternative, the local rules require or the  
17 Judge feels that the fees should be based on the amount of time  
18 actually expended, I calculate, on average, for collection cases  
19 of this type, to date, including preparation of this Declaration,  
20 hours of paralegal's time have been spent on this matter,  
21 including opening the file, reviewing the claim material and  
22 correspondence to Defendant(s) (.3 hr. attorney, 1.0 hr.  
23 paralegal), conversations and/or correspondence with the client  
24 and/or with the Defendant(s) and/or with the Defendant(s)  
25 attorney (1.0 jr. paralegal), preparation and review of the  
26 pleading (.5 hr. attorney, 2.0 hr. paralegal). Our office's  
27 usual and customary hourly rate for matters of this type is  
28

Page 3

file #:098573-2 WD3

-----  
MOTION AND DECLARATION FOR ORDER OF DEFAULT AND DEFAULT JUDGMENT  
Donna Smith or Michael Connolly  
MANN BRACKEN LLP  
11124 NE Halsey, PMB 680  
Portland, OR 97220  
(800) 364-9919 ext 3165

1  
2 \$195.00 per hour for attorney's and \$75.00 per hour for  
3 paralegal time. This computes to a fee of \$500.00, which  
4 figure is reasonable and should be awarded to Plaintiff.  
5

6 I declare under penalty of perjury of the laws of the  
7 State of Washington that the foregoing is true and correct.  
8

9 DATED: MAR 23 2009 at Portland, Oregon.

10  
11 MANN BRACKEN LLP  
12  
13

14 Donna Smith, WSBA #37336  
15 Michael Connolly, WSBA #39085  
16 Attorney for Plaintiff  
17 11124 NE Halsey #680  
18 Portland, OR 97220  
19 (800) 364-9919  
20  
21  
22  
23  
24  
25  
26  
27  
28

Page 4

file #:098573-2 WD4

-----  
MOTION AND DECLARATION FOR ORDER OF DEFAULT AND DEFAULT JUDGMENT  
Donna Smith or Michael Connolly  
MANN BRACKEN LLP  
11124 NE Halsey, PMB 680  
Portland, OR 97220  
(800) 364-9919 ext 3165

IN THE  
SUPERIOR COURT, IN AND FOR THE COUNTY OF WHATCOM, STATE OF WASHINGTON

CAPITAL ONE BANK (USA), N.A.,

Plaintiff/Petitioner

vs.  
LARRY F. LEE

Defendant/Respondent

Hearing Date:

CAUSE NO:

DECLARATION OF SERVICE OF:  
SUMMONS AND COMPLAINT FOR MONEY DUE & OWING

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 21st day of July, 2008, at 7:45 PM, at the address of 460 4TH Street, BLAINE, Whatcom County, WA 98230-5117; this declarant served the above described documents upon LARRY F LEE, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with LARRY F LEE, NAMED DEFENDANT, A male approx. 40-45 years of age 5'8"-5'10" in height weighing 180-200 lbs with black/brown hair and glasses, a person of suitable age and discretion residing at the respondent's usual place of abode listed above.

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED this 22nd day of July, 2008.

EXHIBIT A

  
William LeCompte, Reg. # 1-3792, Whatcom, WA

FOR: Mann Bracken, LLC (WA)  
REF: 098573-2/OR3

ORIGINAL PROOF OF  
SERVICE

Tracking #: 5342103 SEA



Department of Defense Manpower Data Center

JAN-09-2009 09:30:05

Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
LEE	LARRY F	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenseink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: OTSCDMYONY



098573-2

**CAPITAL ONE BANK (USA), N.A.,**  
*Plaintiff,*

v.

**LARRY F LEE**  
*Defendant(s).*

FILED  
COUNTY CLERK  
2009 MAR 26 PM 12:22

SCANNED 3

WHATCOM COUNTY  
WASHINGTON

BY                     

08-2-031264

**AFFIDAVIT**

The undersigned, being duly sworn, makes the following oath:

1. I am over 18 years old and competent to make this affidavit. I am an authorized agent of Plaintiff **CAPITAL ONE BANK (USA), N.A.** ("Capital One") for purposes of this affidavit. I am duly authorized to make this affidavit, and because of the scope of my job responsibilities, I am familiar with the manner and method by which Capital One maintains its normal business books and records, including computer records of defaulted accounts.

2. These books and records are made in the course of regularly conducted business activity (1) at or near the time the events they purport to describe occurred, by a person with knowledge of the acts and events, or (2) by a computer or other similar digital means, which contemporaneously records an event as it occurs. The contents of this affidavit are believed to be true and correct based upon my personal knowledge of the processes by which Capital One maintains its business books and records.

3. The books and records of Capital One show that Defendant(s) opened an account with Capital One for the purpose of obtaining an extension of credit and did thereafter use or authorize the use of the account for the acquisition of goods, services, or cash advances in accordance with the Customer Agreement governing use of that account. Further, Defendant(s) has/have breached the Agreement by failing to make periodic payments as required thereby.

4. The books and records of Capital One show that Defendant(s) is/are currently indebted to Capital One on account number **5291151796513016** for the just and true sum of **\$7139.19** as of **07/28/2008**, plus interest accruing from said date at an annual percentage rate in accordance with the Customer Agreement, currently **28.10%**, and that all just and lawful offsets, payments, and credits have been allowed. The Customer Agreement entered into between the parties also authorizes Capital One to recover from Defendant(s) reasonable attorneys' fees and costs to the extent permitted by law.

ORIGINAL



098573-2

5. I declare under the penalty of perjury that the foregoing is true and correct and if called as a witness I would competently testify, under oath, thereto.

Given under my hand on:

Dated: 08-04-2008

Sharonda Johnson  
Sharonda Johnson

County of Chesterfield, to wit:  
Commonwealth of Virginia

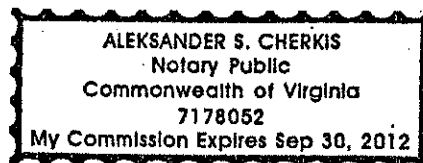
SUBSCRIBED and sworn to before me, the undersigned Notary Public in and for the jurisdiction aforesaid, by Sharonda Johnson, who acknowledged before me his/her signature to the foregoing Affidavit.

GIVEN under my hand and seal this 04 day of August, 2008.

Aleksander S. Cherkis  
Notary Public

Notary Registration Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_ / \_\_\_\_ / 20\_\_



A012  
MANN BRACKEN LLC

Test for Military Status

098573-2

Department of Defense Manpower Data Center

AUG-06-2008 09:09:35



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
LEE	LARRY F	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: STKJZAABJS